

1/13/2003 fax header and other markings of the document, the copy of the Pierce Instruction provided with the rejection appears to have been page 1 of an internal company document. No evidence *publication* of the document has been provided.

Thus, in order for applicant to prepare an adequate reply or appeal, applicant requests the following information:

1. Place of publication of the Pierce Instructions.
2. Any evidence supporting the examiner's determination "that the information was *publicly available* on February 1997."
3. To enable application to fully respond to the Pierce Instructions relied upon by the examiner (page 2 of the 1/13/2003 fax), please provide a copy Page 1 of the 1/13/2003 fax sent from Pierce to the PTO, along with any other comments or notes obtained from sources outside the PTO.

In light of the above, reconsideration is respectfully requested.

Respectfully submitted,



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